

# COMPLAINT

(for non-prisoner filers without lawyers)

U.S. DISTRICT COURT  
EASTERN DISTRICT - WI  
FILED

2022 MAR 14 P 3:23

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN

CLERK OF COURT

(Full name of plaintiff(s))

Marvin Ealy Jr

v.

(Full name of defendant(s))

officer Anthony Wagner Badge #119  
Sgt. John Fabrycki Badge #10  
officer Kevyn Mussatti Badge #158  
officer Adam Niemuth Badge #11

Case Number:

**22-c-0323**

(to be supplied by Clerk of Court)

officer Schultz  
Badge #180

## A. PARTIES

1. Plaintiff is a citizen of Wisconsin and resides at  
(State)

1720 W Meinecke Ave Milwaukee WI 53206  
(Address)

(If more than one plaintiff is filing, use another piece of paper.)

2. Defendant Anthony Wagner, John Fabrycki, Kevyn Mussatti, Adam Niemuth  
(Name)

1. Officer Anthony Wagner - Pulled me over and unlawfully Detained me and deprived me of my Rights
2. Officer Kevyn Mussatti - unlawfully shattered the Automobile window to extract me out of the Automobile
3. Sgt John Fabrycki ordered officers to break the Automobile window to extract me out of the car
4. Officer Adam Niemuth forcefully snatch me out of the Automobile by my shirt and threw me to the ground.

I'm not sure which officers Searched me I was disoriented At that time but I was unlawfully Searched

Incident took place on South 110<sup>th</sup>/west National Ave west Allis WI 53227

5. officer Schultz Badge # 180 unlawfully opened My car door without my consent so that other officers could snatch me out of the Automobile

The reason why the west Allis Police officers assaulted me is because they were acting under the color of law.

is (if a person or private corporation) a citizen of Wisconsin  
(State, if known)

and (if a person) resides at 11301 W Lincoln Ave West Allis WI 53227  
(Address, if known)

and (if the defendant harmed you while doing the defendant's job)

worked for West Allis Police Department 11301 W Lincoln Ave West Allis WI 53227  
(Employer's name and address, if known)

(If you need to list more defendants, use another piece of paper.)

B. STATEMENT OF CLAIM

On the space provided on the following pages, tell:

1. Who violated your rights;
2. What each defendant did;
3. When they did it;
4. Where it happened; and
5. Why they did it, if you know.

1. officers that violated my constitutional rights are Anthony Wagner  
John Fabrycki, Kevyn Mussatti, and Adam Niemuth
2. On March 26 2019 approximately 7:31pm upon information and  
belief, despite there being no reasonable suspicion that I had  
committed a crime, was committing a crime, or would be committing  
a crime I Marvin Ealy Jr was detained and arrested, after numerous  
city of West Allis police officers broke out my car window dragged me  
out of the automobile illegally searched me in an inappropriate, unwarranted,  
and unconstitutional manner because I refused to provide identification  
or give them my name. As a direct result of the above-indicated actions of  
The West Allis police officers I sustained injuries to my shoulders and my neck  
I also sustained psychological injuries and has suffered and continues  
to suffer from fear, Anxiety, nightmares and sleep disturbance.

That a proximate cause of the injuries and damages caused by west Allis police officers upon information and belief, was the conduct on the part of the Above-identified West Allis police officers All of were acting within the scope of their employment and under the Color of law involving the use of negligent and intentional inappropriate unwarranted, excessive, improper and unconstitutional Acts to illegally Break and Damage property, search me without my consent Detain me and Also Arrest me.

The city of west Allis And the west Allis police department failed to adequately train, supervise and control its Police officers by allowing a Police force atmosphere that Promotes cavalier attitudes in conduct, and leading to a belief that Police action will never be Scutinized and/or prosecuted; and by encouraging "misplaced loyalties" and a code of Silence among police officers in refusing to report unlawful actions by police officers and by refusing to Cooperate with officials investigating unlawful actions by police officers

My injuries and damages caused by west Allis police officers upon information and Belief, was the negligence on the part of the city of west Allis and the west Allis police department in allowing some of the above-identified officers to be originally hired and to Also remain employed as police officers, having actual or constructive knowledge of their conduct and attitudes, and knowing their being hired and Also remaining employed As police officers would involve unreasonable risk of harm to others.

That upon information and belief, in addition to negligent actions much of the actions and mis conduct described above, was objectively unreasonable and was undertaken intentionally, with malice, and with willful and reckless indifference to my rights. That upon information and belief the city of west Allis has had Both actual and constructive notice of the prior conduct of the involved police officers the city of west Allis hiring practices; the city of west Allis Police Department training, supervision and control practices; The city of west Allis police Department disciplinary practices; Police officers Attitudes and conduct practices; the police officers misplaced loyalties and code of Silence and the injuries and damages sustained on me and causes thereof

That as a result of the aforementioned incident and conduct, upon the information and belief I Marvin Ealy Jr suffered damage to my property and Psychological injuries as described above I has incurred expenses the repair of my damage of property; I Also have incurred and will continue in the future to incur medical expenses for treatment of my Psychological injuries and has endured and will continue in the future to endure emotional distress and other damages as provided by law. I am Marvin Ealy Jr I am authorized to give this Notice of injury.

C. JURISDICTION



I am suing for a violation of federal law under 28 U.S.C. § 1331. and 42 U.S.C

OR



I am suing under state law. The state citizenship of the plaintiff(s) is (are) different from the state citizenship of every defendant, and the amount of money at stake in this case (not counting interest and costs) is \$ \_\_\_\_\_.

D. RELIEF WANTED

Describe what you want the Court to do if you win your lawsuit. Examples may include an award of money or an order telling defendants to do something or to stop doing something.

I want the court to prosecute the defendants to the fullest extent of the law. I want the police officers that are involved to be fired. And I want the courts to award me 1,600,000

E. JURY DEMAND

I want a jury to hear my case.

☒ - YES

☐ - NO

I declare under penalty of perjury that the foregoing is true and correct.

Complaint signed this 14 day of March 2022.

Respectfully Submitted,

Maurice Early Jr  
Signature of Plaintiff

262 202 9325  
Plaintiff's Telephone Number

eknolegeel@gmail  
Plaintiff's Email Address

1720 W Meinecke Milwaukee WI 53206

\_\_\_\_\_  
(Mailing Address of Plaintiff)

(If more than one plaintiff, use another piece of paper.)

**REQUEST TO PROCEED IN DISTRICT COURT WITHOUT PREPAYING THE FILING FEE**

☒ I DO request that I be allowed to file this complaint without paying the filing fee. I have completed a Request to Proceed in District Court without Prepaying the Filing Fee form and have attached it to the complaint.

☐ I DO NOT request that I be allowed to file this complaint without prepaying the filing fee under 28 U.S.C. § 1915, and I have included the full filing fee with this complaint.